

IN THE UNITED STATES DISTRICT  
COURT FOR THE WESTERN DISTRICT  
OF TEXAS AUSTIN DIVISION

FLASHPARKING, INC. §  
§  
§  
V. § Civil No. 1:23-CV-00772-ML  
§  
MICHAEL SELLERS MACDONALD §

**CONSENT MOTION TO EXTEND SCHEDULING ORDER DEADLINE**

Pursuant to FRCP 7 and Local Rule CV-16, Defendant Michael Sellers MacDonald and Plaintiff FlashParking, Inc. (collectively, the “Parties”) jointly submit this First Amended Scheduling Order, attached hereto as Exhibit A. The parties request an extension of time to file their Report on ADR from November 17, 2023 to January 19, 2024. In support of this motion, the parties provide the following good cause:

1. On September 26, 2023, the parties filed their joint proposed scheduling order. [Dkt. 18].
2. The parties deadline to file their report on ADR is presently November 17, 2023. The parties request an extension until January 19, 2024. No other dates are affected by this extension of time.
3. This is the parties first request to amend the scheduling order.
4. On November 6, 2023, Defendant’s counsel contacted Plaintiff’s counsel and requested its consent to the extension of time. Plaintiff consented and stated that it was prepared to mediate.
5. Defendant requires this extension of time because: 1) The pending motion to dismiss must be adjudicated first. If any claims survive the motion to dismiss, Defendant anticipates filing numerous counterclaims that will be ripe for mediation and should be considered during the alternative dispute resolution process. Defendant believes that mediation is presently

premature and not an efficient use of judicial resources. 3) Plaintiff's pending Motion to Remand this matter must also be decided prior to participating in the alternative dispute resolution process. 3) Defendant cannot presently afford the mediation costs and therefore is financially unable to move forward with mediation at this time.

6. The First Amended Scheduling Order attached as Exhibit A.

WHEREFORE, for good cause shown, the parties respectfully request that this Motion to Amend the Scheduling Order be granted.

Respectfully submitted,

**DEFENDANT  
MICHAEL SELLER MACDONALD**

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ATTORNEYS FOR PLAINTIFF  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 7th day of November, 2023, the foregoing was served upon counsel of record through the Court's CM/ECF filing system:

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